<u>REMARKS/ARGUMENTS</u>

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herein, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2 and 12-19 are pending in this application. Claim 2 is independent. No claims have been amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112.

II.   REJECTIONS UNDER 35 U.S.C. §112

Claims 2 and 12-19 were rejected under 35 U.S.C. §112 (first paragraph), for allegedly not describing the recitation "wherein the random time is used to modify the determined time." However, it is clear from the Specification on page 9 that the random time is used to modify the determined time in order to randomly distribute the load on the server. The random number generator (207) is disclosed in Figures 1 and 5, and described on pages 7-10. Additionally, the Abstract says in line 11 that "a random timing [is] generated based on a preset time." This provides sufficient written description of the claimed recitation. Accordingly, Applicants respectfully request that the rejection of the claims under 35 U.S.C. §112, first paragraph, be withdrawn.

III.   REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 2, 12-15, and 18-19 were rejected under 35 U.S.C. §103(a) as allegedly

unpatentable over U.S. Patent No. 6,536,041 to Knudson et al. (hereinafter, merely "Knudson")

in view of U.S. Patent No. 6,583,825 to Yuen et al. (hereinafter, merely "Yuen") in view of U.S.

Patent No. 5,920,700 to Gordon et al. (hereinafter, merely "Gordon"). Claims 16-17 were

rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Knudson in view of Yuen and

Gordon and further in view of U.S. Patent No. 5,121,430 to Ganzer et al. (hereinafter, merely

"Ganzer").

Claim 2 recites, *inter alia*:

> "An information processing apparatus comprising ...
>
> **a random number generator for generating a random
> time**...
>
> **wherein the random time is used to modify the
> determined time**..." (Emphasis added)

As understood by Applicants, Knudson relates to a program guide system in

which an interactive television program guide is implemented at least partially on user television

equipment receives program listings data and real-time data such as sports scores, news data, and

the like.

As understood by Applicants, Yuen relates to embedding multiple channel maps

in a television transmission and the appropriate channel corresponding to the particular television

service used by the viewer is downloaded for use with the television receiver.

As understood by Applicants, Gordon relates to an intelligent asset management

system which includes a schedule manager for evaluation of predetermined events particular to

U.S. Patent No. 09/663,501   PATENT
Reply to Office Action dated January 11, 2006   450100-02714

each asset and predetermined requirements for distribution, updating, and deletion of the asset in
view of the real-time conditions and constraints.

  Applicants respectfully submit that nothing has been found in Knudson, Yuen, or
Gordon, taken alone or combination, that would disclose or suggest the above-identified features
of claim 2. The Office Action concedes that Knudson and Yuen do *not* disclose a random
number generator for generating a random time, nor that the random time is used to modify the
determined time. The Office Action relies on Column 7, Line 52 to Column 8, Line 4 of Gordon
for a teaching of this feature. However, Applicants respectfully submit that in the cited portions
of Gordon, and indeed in the entirety of the disclosure of Gordon, there is no teaching, mention,
or even suggestion of a random number generator. Accordingly, Applicants respectfully submit
that Knudson, Yuen, and Gordon fail to teach or suggest <u>a random number generator for
generating a random time, where the random time is used to modify the determined time</u>, as
recited in claim 2.

  Applicants respectfully submit that Ganzer does not provide the disclosure
missing from Knudson, Yuen, and Gordon.

IV. DEPENDENT CLAIMS

  The other claims in this application are each dependent from independent claim 2
discussed above, and are therefore patentable for at least the same reasons. Since each dependent
claim is also deemed to define an additional aspect of the invention, however, the individual
reconsideration of the patentability of each on its own merits is respectfully requested.

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U.S. Patent No. 09/663,501
Reply to Office Action dated January 11, 2006

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CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By _____
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800

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